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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,889	07/25/2001	Charles Holloway JR.	170802-1010	6573

7590 07/22/2004

Sanford J. Asman
570 Vinington Court
Dunwoody, CA 30350

EXAMINER

KAZIMI, HANI M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,889

Applicant(s)

HOLLOWAY, CHARLES

Examiner

Hani Kazimi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This application has been reviewed. Original claims 1-5 are pending. The objections and rejections cited are as stated below:

Claim Rejections - 35 USC ' 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent May not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weckbaugh (U.S. Patent No. 2,494,599).

Claims 1-5, Weckbaugh teaches a method for providing personal identification on checks issued by a payor to payees which includes the steps of:

obtaining an image of each payee by the payor, storing each said image on a storage medium by the payor, selecting payee data for check printing from each payee's data record, and printing checks for each said payee, each of said checks being printed with said payee data, said payee data including each payee's name and the amount of the check, and each said check being printed with an image of the payee, whereby each check will include, in addition to the other information, a photographic image of the payee to whom such check was written (fig. 13, column 1, line 1 thru column 2, line 35, and column 4, line 71 thru column 8, line 75).

Even though, Weckbaugh teaches the steps of obtaining an image is accomplished by taking a photograph using a camera (column 4, lines 71-75), and displaying each payee's social security number on the check as indicated at (fig. 13, element 107, column 8, lines 73-75).

Weckbaugh does not expressly show the use of a digital camera or a scanner, and the step of storing each of the digital images on a computer medium by using a unique file name (such as a payee's social security number) associated with each payee.

Official Notice is taken that the use of a digital camera or a scanner, and the step of storing each of the digital images on a computer medium by using a unique file name (such as a social security number) associated with each person is old and well known in the art. For example, simply using a digital camera or a scanner, and automating the step of storing each of the digital images on a computer medium by using a unique file name gives just what one would expect from the process steps shown in Weckbaugh. In

other words, there is no enhancement found in the claimed steps other than the known advantages of using a computer, such as efficiency and the increased speed in processing data and storing and retrieving data and images. The result is the same. It was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use a digital camera or a scanner, and to store each of the digital images on a computer medium by using a unique file name associated with each payee, because this would speed up the process of printing checks, which is purely known, and an expected result from automation of what is known in the art. Furthermore, it greatly improves the efficiency of the system by providing an easier way of storing and retrieving data by using a computer, and a user-friendly system.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed, Jr. (U.S. Patent No. 4,083,635).

Claims 1-5, Reed teaches a method for providing personal identification on checks issued by a payor to payees which includes the steps of:

obtaining an image of each payee by the payor, storing each said image on a storage medium by the payor, selecting payee data for check printing from each payee's data record, and printing checks for each said payee, each of said checks

being printed with said payee data, said payee data including each payee's name and the amount of the check, and each said check being printed with an image of the payee, whereby each check will include, in addition to the other information, a photographic image of the payee to whom such check was written (fig. 2, column 3, lines 11-47).

Even though, Reed teaches the steps of obtaining an image is accomplished by using an image forming device that operates responsive to the digital output of the computer (column 3, lines 15-17), and using a social number or other number that uniquely identifies the individual (column 3, lines 37-39).

Reed does not expressly show the use of a digital camera or a scanner, and the step of storing each of the digital images on a computer medium by using a unique file name (such as a payee's social security number) associated with each payee.

Official Notice is taken that the use of a digital camera or a scanner, and the step of storing each of the digital images on a computer medium by using a unique file name (such as a social security number) associated with each person is old and well known in the art. For example, simply using a digital camera or a scanner, and storing each of the digital images on a computer medium by using a unique file name gives just what one would expect from the process steps shown in Reed. In other words, there is no enhancement found in the claimed steps other than the known advantages of using a computer, such as efficiency and the increased speed in processing data and storing and retrieving data and images. The result is the same.

It would have been obvious to a person of ordinary skill in the art at the

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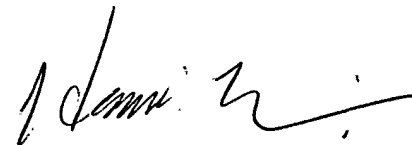
time of the invention to use a digital camera or a scanner, and to store each of the digital images on a computer medium by using a unique file name associated with each payee, because this would speed up the process of printing checks, which is purely known in the art. Furthermore, it greatly improves the efficiency of the system by providing an easier way of storing and retrieving data by using a computer, and a user-friendly system.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (703) 305-1061. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703) 305-7687 or 7658.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 1114.



HANI M. KAZIMI
PRIMARY EXAMINER
Art Unit 3624

July 21, 2004